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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,126	10/29/2003	David L. Sherman	15826-189001/II-03-06	7246
26231	7590	07/07/2005		EXAMINER
FISH & RICHARDSON P.C. 1717 MAIN STREET SUITE 5000 DALLAS, TX 75201			JENKINS, JERMAINE L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,126	SHERMAN ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jermaine Jenkins	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10212004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### *Claim Objections*

1. Claim 8 is objected to because of the following informalities: In claim 8, line 1, the word "process sensor" lacks antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-10, 12, 25, 32, 34, 38 & 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Echtler et al (4,283,954).

In regards to claims 1, 12, 25, 32, 34 & 38, Echtler et al teaches a pressure sensing instrument comprising a seal connection (24, i.e. flange) having a base (12, i.e. line) sealed to the process and a body (22, i.e. conduit) extending from the base (12) to a distal end spaced apart from the base (12) (Column 1, lines 42-45 & lines 62-64), a pressure sensor (30, i.e. diaphragm) located at the base (12) to sense pressure of the process media (i.e. process stream) and a pressure signal indicative of the sensed pressure of the process media (Column 1, lines 47-51), and a pressure gauge (44) positioned at the distal end of the seal connection (24) apart from the pressure sensor (30) and adapted to receive the pressure signal (Column 1, lines 54-62; See Figure 1).

With respect to claim 2, Echtler et al teaches a transmission conduit (22) connecting the pressure sensor (30) to the pressure gauge (44) wherein the pressure signal is transmitted via the transmission conduit (22) to the pressure gauge (44) (Column 1, lines 62-64; See Figure 1).

With respect to claim 3, Echtler et al teaches wherein the body of the seal connection (24) defines a cavity (16, i.e. bore) and the transmission conduit (22) is located in the cavity (16) (Column 1, lines 51-53 & See Figure 1).

With respect to claim 6, Echtler et al teaches wherein the base (12) is flush-sealed to the process to form an interface comprising a flush surface (See Figure 1).

With respect to claim 7, Echtler et al teaches the interface is diaphragm-less between the sensor (30) and the process (See Figure 1).

With respect to claim 8, Echtler et al teaches the process sensor comprises a sensor diaphragm (30) (See Figure 1).

With respect to claims 9 & 39, Echtler et al teaches wherein the pressure sensor (30) comprises a sensor seal direct contact with the process media (See Figure 1).

With respect to claim 10, Echtler et al teaches the base (12) comprises a pocket (16, i.e. bore) and the sensor (30) is secured in the pocket (16) (See Figure 1).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 13, 15, 17-24, 26-31, 33 & 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Echtler et al (4,283,954) in view of Martin (5,665,920).

With respect to claims 4, 13, 15, 26 & 27, Echtler et al teaches the claimed invention except for the cavity being devoid of fill liquid. Martin teaches a pressure sensor having a cavity (21, i.e. interior) being devoid of fill liquid (Column 4, lines 11-19; See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a cavity being devoid of any substance as taught by Martin in the pressure sensing apparatus of Echtler et al for the purpose of hindering the distortion of pressure sensing capabilities and keeping the pressure sensing device from being contaminated.

With respect to claims 5, 14, 17, 28, 29, 35-37, Echtler et al teaches the claimed invention except for the pressure signal being an electrical signal and the transmission conduit comprises one or more wires. Martin teaches a pressure sensor having the pressure signal being an electrical signal and the transmission conduit comprises one or more wires (14, i.e. connection lines). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wires as taught by Martin.

With respect to claims 18, 21, 29, 33 Echtler et al teaches wherein the pressure sensor (30) comprises a sensor seal direct contact with the process media (See Figure 1).

With respect to claims 19 & 20, Echtler et al teaches wherein the base (12) is flush-sealed to the process to form an interface comprising a flush surface (See Figure 1).

With respect to claims 22-24, 30, 31, Martin teaches a seal diaphragm (11) between the pressure sensor (13, i.e. electronic circuit) and the process media and the seal diaphragm (11) is adjacent the pressure sensor (13) (See Figure 1).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Echtler et al (4,283,954) in view of Vinci (5,875,413).

With respect to claim 11, Echtler et al teaches the claimed invention except for the gauge being a digital gauge. Vince teaches a digital pressure gauge assembly comprising a digital display (112) for showing the digital pressure readings (Column 16, lines 22-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wires as taught by Vinci into the pressure sensing apparatus of Echtler et al for the purpose of providing easily viewable pressure readings to the user.

6. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Echtler et al (4,283,954) and Martin (5,665,920) as applied to claim 15 above, and further in view of Vinci (5,875,413).

With respect to claim 16, Echtler et al and Martin teaches the claimed invention except for the gauge being a digital gauge. Vinci teaches a digital pressure gauge assembly comprising a digital display (112) for showing the digital pressure readings (Column 16, lines 22-27). It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide wires as taught by Vinci into the pressure sensing devices of Echtler et al and Martin for the purpose of providing easily viewable pressure readings to the user.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 571-272-2179. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermaine Jenkins  
A.U. 2855



William Oen  
Primary Examiner